

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
EMIGRANT MORTGAGE)	
COMPANY, INC. and RETAINED)	
REALTY, INC.,)	
)	
Plaintiffs,)	
)	Civil Action No. 21-11133-JCB
v.)	
)	
DONEYN BOURKE and)	
WILLIAM HAYWARD, SR.,)	
)	
Defendants.)	
_____)	

JUDGMENT

February 2, 2024

Boal, M.J.

In accordance with the January 18, 2024 Order on Cross-Motions for Summary Judgment, ECF Dkt. No. 74, GRANTING Plaintiffs' Motion for Summary Judgment and DENYING the Defendants' Cross-Motion for Summary Judgment, it is hereby ORDERED, ADJUDGED, AND DECREED THAT:

1. Judgment shall enter this day in favor of the Plaintiffs on Count I of the Complaint for a Declaratory Judgment determining that Retained Realty, Inc. ("RRI") is the true and lawful owner of the property located at 6 Arkansas Avenue, Nantucket, MA (the "Property") by virtue of Emigrant Mortgage Company, Inc.'s ("Emigrant") lawful foreclosure by entry and possession;
2. Emigrant had standing to foreclose and its foreclosure by entry and possession of the Property, as evidenced by a Certificate of Entry registered with the Nantucket County

Registry District of the Land Court as Document Number 139302, sufficiently extinguished the Defendants' equity of redemption as of December 14, 2015;

3. Judgment shall enter this day in favor of the Plaintiff, RRI, on Count II of the Complaint for possession of the Property;

4. Judgment shall enter this day in favor of the Plaintiff, RRI, on Count III of the Complaint for use and occupancy payments;

5. The fair market rental value of the Property is \$6,500.00 per month;

6. The Plaintiff, RRI, shall recover from the Defendants the principal amount of \$1,003,564.40, with interest as provided by law, for their continued use and occupancy of the Property from March 21, 2011, through February 1, 2024, plus any additional monthly use and occupancy payments that may come due until such time as the Defendants vacate the Property;

7. Judgment shall enter this day in favor of the Plaintiffs on Count I of the Defendants' counterclaims under M.G.L. c. 93A;

8. Judgment shall enter this day in favor of the Plaintiffs on Count II of the Defendants' counterclaims for abuse of process; and

9. Judgment shall enter this day in favor of the Plaintiffs on Count III of the Defendants' counterclaims for intentional infliction of emotional distress.

/s/ Jennifer C. Boal
JENNIFER C. BOAL
U.S. MAGISTRATE JUDGE